



February 12, 2015

TO: Sen. Josh Green, Chair
Sen. Glenn Wakai, Vice Chair
Members of the Senate Committee on Health

Sen. Mike Gabbard, Chair
Sen. Josh Green, Vice Chair
Members of the Senate Committee on Energy and Environment

Sen. Michelle N. Kidani, Chair
Sen. Breene Harimoto, Vice Chair
Members of the Senate Committee on Education

FROM: Deborah Zysman, Executive Director

RE: **Support for SB 793:** RELATING TO HEALTH IMPACT OF PESTICIDES
Support for SB 1037: RELATING TO HEALTH IMPACT OF PESTICIDES
Support for SB 797: RELATING TO HEALTH IMPACT OF PESTICIDES

Good Beginnings Alliance (GBA) **supports SB 793, SB 1037 and SB 797**, which establishes disclosure requirements for outdoor applications of pesticides in proximity to schools, childcare facilities, and certain commercial agricultural entities. And which establishes reasonable pesticide buffer zones for sensitive areas. While SB 1037 requires mandatory disclosure but does not designate a buffer zone, we urge that any policy passed out this session have both mandatory disclosure and designated buffer zone requirements.

Good Beginnings Alliance is Hawaii's leading policy and advocacy non-profit organization on children's health, education and safety. We build a united voice to educate and advocate for Hawaii's children.

We are concerned that many children in Hawaii have no choice but to live, play and attend childcare, preschool and/or school in close proximity to areas where restricted use pesticides are used.

The American Academy of Pediatrics (AAP) issued a policy statement in 2012 titled "Pesticide Exposure in Children." The full policy statement can be found at:
<http://pediatrics.aappublications.org/content/130/6/e1757>



The main findings of the AAP are that:

- Children are uniquely vulnerable to the toxicity of pesticide exposure and have both acute and chronic health issues associated with exposure
- **Prenatal and early childhood exposure to pesticides is associated with pediatric cancers, decreased cognitive function and behavioral problems.**
- Government should consider measures to minimize children's exposure.

Given the high risks associated with prenatal and early childhood pesticide exposure, extreme caution should be taken to protect our children.

Disclosure requirements and buffer zones are reasonable measures to protect children's health and well-being.

For these reasons, we respectfully urge committee members to pass this legislation.

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: ctrackbills@gmail.com
Subject: Submitted testimony for SB797 on Feb 12, 2015 15:00PM
Date: Thursday, February 12, 2015 1:48:16 PM

SB797

Submitted on: 2/12/2015

Testimony for AGL/HTH/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Environmental Caucus Chair Juanita Brown Kawamoto	ECDPH	Support	Yes

Comments: As Chair of the ECDPH, we strongly support SB 797 The need to hold accountable commercial use of pesticides and it's impacts on Hawaii nei is a priority. The public safety and health and welfare of our Keiki and our Kupuna should be a priority. The process set forth by this good legislation provides all citizens of the State of Hawaii with the knowledge, people are the priority. Mahalo for the opportunity to testify.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

Senate Bill 797 - OPPOSE

Syngenta Hawaii strongly opposes this measure. When a bill is based on a false premise, the proposed legislation is necessarily flawed. Such is the case with the bill before this committee.

The presumption that commercial agricultural fields are a major threat, or any kind of threat, to children in schools or elsewhere, is not supported by any evidence or study. On the contrary, a cursory review of reports of pesticide exposure reveals incidents that affected children and the public were exclusively confined to non-agricultural use of pesticides by individuals who purchased them for their personal use on their property. The alleged sprays of 2006 and 2008 in Waimea, after full investigation revealed it was not the result of spraying by agricultural operations. Yet, many years later, this seems to be a basis to legitimize such legislation.

If the intent is to prevent these kinds of incidents and if these incidents are considered a significant threat to public health, then regulating the sale and use of over-the-counter pesticides to home owners and gardeners should be the focus of future regulation.

But the true purpose of this legislation has nothing to do with pesticides or public health as the title implies. The intent of this legislation is to demonize commercial agriculture by falsely claiming farmers are responsible for poisoning children, which has become the mantra of the anti-agriculture movement in our state, generously funded by large national anti-agriculture organization, such as the so-called Center for Food Safety and the Pesticide Action Network, which are using our small state as a testing ground for developing model legislation to be used elsewhere.

If one considers the manner of use and the type of pesticides employed today, it's plain to see why there is little risk to the public from modern commercial agriculture. Application of pesticides by farmers is already well regulated by the state and federal governments. Farm workers who handle pesticides are certified and trained to do so. They are at the greatest risk because they are closest to the products in question. If any group would be adversely affected it would be farm workers, yet the evidence of pesticide impacts on the health of farm workers shows this group to be healthy .

Because of their high cost and plain common sense, when pesticides are applied to farm fields, they are used in the smallest amounts and weakest concentrations needed to do the job. The pesticides today in the United States are the safest ever developed. They are tested over a period of many years for possible short- and long-term effects before they are allowed to be sold and used on farms.

But none of these facts matter to the organizations that are backing this legislation. They want to end commercial agriculture in Hawaii and throughout the country and they know that one of the best ways to do that is to take away the tools farmers depend on to grow an abundance of nutritious crops free of diseases and insect infestation.

I urge you to hold this measure which has great potential to harm commercial agriculture in Hawaii at the very time there is a desire on the part of the public to see a renaissance of agriculture in our state.

Thank you for the opportunity to testify on this legislation.

Through this scientific process, the USEPA establishes appropriate posting requirements, buffers, and application requirements for pesticides which are listed on all pesticide labels. The USEPA's risk assessment process is thorough and takes into account concerns raised by the author of this bill.

The USEPA examines whether buffer areas are needed around pesticide use. If needed, a buffer is mandated. Furthermore, pesticide registrants who provide products used around sensitive population centers must provide USEPA proof of their safety through multiple exposure scenario studies specific to these settings. The USEPA then specifically establishes use requirements for these settings. The additional use restrictions and notice requirements in this bill would create a costly regulatory burden on schools and care facilities.

The WPHA is also concerned with the inconsistency of this bill's application to only a selected group of pesticide users. These select users will be required to report and provide pre-use notification for all levels of pesticide use. Again, the USEPA has studied the matter and established notification requirements where warranted. This bill goes far beyond the USEPA requirements by focusing on the property line rather than the area of use.

This bill would allow for private citizens to seek to enjoin activity in violation. While creating a private right of action to enforce laws can relieve the state of the financial burden of enforcement, this bill only provides the awarding of fees and cost to prevailing plaintiffs. A prevailing defendant would not be entitled to recover fees and costs which is inequitable.

Finally, this bill makes a substantive change to existing law by abrogating the state law preemption on pesticide use and explicitly provides the counties the authority to regulate pesticide disclosure, notification, and use. Under current law, the state's comprehensive regulation of pesticide use overrides the authority of the counties to do that.

The WPHA recognizes that the public is concerned about the safe use of pesticides. There are federal requirements on usage and education and training requirements for applicators of restricted use pesticides that are taken seriously by pesticide users who have a vested-interest in ensuring proper application procedures are followed. Rather than create arbitrary notice requirements and buffer zones, it would be more beneficial to invest in education programs for growers and the public and increase enforcement of existing use requirements.

We thank you for the opportunity to provide testimony in opposition to this bill. We ask for you to consider our comments as you deliberate.

Sincerely,



Renee Pinel
President/CEO



Chamber of Commerce HAWAII
The Voice of Business

**Testimony to the Senate Committee on Health and Committee on Agriculture
and Committee on Energy and Environment
Thursday, February 12, 2015 at 3:00 P.M.
Conference Room 414, State Capitol**

RE: SENATE BILL 797 RELATING TO THE HEALTH IMPACT OF PESTICIDES

Chairs Green and Ruderman and Gabbard, Vice Chairs Wakai and Riviere and Green, and Members of the Committees:

The Chamber of Commerce of Hawaii ("The Chamber") **opposes** SB 797, which establishes notice, reporting, and use requirements for any entity or person that uses pesticides under certain circumstances.

The Chamber is the largest business organization in Hawaii, representing over 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The Chamber does not believe that this bill is necessary to increase public safety, nor will it be helpful in addressing any concerns regarding the use of pesticides. Farming in Hawaii is exceedingly difficult – the high costs of land, water, electricity, fuel, farm equipment and inputs, and labor, in addition to the constant battle of keeping crops bug and weed-free are challenges that farmers throughout the state must face.

Rather than mandating more restrictions that would push local farmers to extinction and damage the chances of Hawaii becoming self-sufficient, we ask that the legislature consider studies to determine whether or not there are any real risks before imposing these mandates. We respectfully ask that SB 734 be considered as it would increase funding to DOA to examine whether there are any real risks regarding pesticide concerns while simultaneously allowing agriculture to thrive in Hawaii.

Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: yamaguchd009@hawaii.rr.com
Subject: *Submitted testimony for SB797 on Feb 12, 2015 15:00PM*
Date: Wednesday, February 11, 2015 10:06:03 PM

SB797

Submitted on: 2/11/2015

Testimony for AGL/HTH/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Dennis Yamaguchi	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: dylanhooser@hotmail.com
Subject: *Submitted testimony for SB797 on Feb 12, 2015 15:00PM*
Date: Thursday, February 12, 2015 11:26:01 AM

SB797

Submitted on: 2/12/2015

Testimony for AGL/HTH/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: enakayama@beihawaii.com
Subject: *Submitted testimony for SB797 on Feb 12, 2015 15:00PM*
Date: Wednesday, February 11, 2015 5:14:57 PM

SB797

Submitted on: 2/11/2015

Testimony for AGL/HTH/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Elaine Nakayama	Individual	Oppose	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: irisiwami@yahoo.com
Subject: Submitted testimony for SB797 on Feb 12, 2015 15:00PM
Date: Wednesday, February 11, 2015 3:16:40 PM

SB797

Submitted on: 2/11/2015

Testimony for AGL/HTH/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Iris Iwami	Individual	Oppose	No

Comments: Appears to target a small segment of farmers. More education is needed for small farmers, immigrant farmers and homeowners. The Department of Agriculture should be the "Department".

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: Mchughj001@hawaii.rr.com
Subject: Submitted testimony for SB797 on Feb 12, 2015 15:00PM
Date: Wednesday, February 11, 2015 7:05:33 PM

SB797

Submitted on: 2/11/2015

Testimony for AGL/HTH/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
John McHugh	Individual	Oppose	No

Comments: This bill shows a complete and unequivocal understanding of the process currently used by the United States Environmental Protection Agency to register a pesticide. Reams of data that address environmental fate, toxicity, mutagenicity, and oncogenicity are required before EPA will even consider the registration of a pesticide in the U.S. The data is produced by third party qualified labs, using Good Laboratory Practices, and can exceed 70,000 pages of raw data which are reviewed by the EPA scientists. Throughout the registration process there is ample opportunity for public input which ultimately shapes the label associated with each pesticide product. The requirement for buffer zones is spelled out explicitly in the label if there is concern over exposure to sensitive locations. The attempt by local governments to impose their will upon any pesticide label needs to be based on the same objective data that has been reviewed by the EPA before imposing further restrictions. Without this objectivity all we are left with is feelings and opinions. Therefore, I am opposed on several levels to this bill: 1. Lack of review of the data associated with the registration of pesticides, 2. Total lack of understanding of the registration process, 3. Naive assumptions that there is a threat to the public and schools associated with agricultural sprays, when, in fact, on Oahu the bulk of pesticide complaints are associated with householder use in neighboring communities, and 4. A lack of resources and an unnecessary burden on Hawaii taxpayers to enforce the proposed legislation. The only thing this law will achieve is to open the door to lawsuits as a result of the proposed postings. Please, please, please think rationally and reasonably when considering this legislation and reject it for the poorly thought out rationale behind it. We do not need another law to address what has already been addressed.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

DAVID Y. IGE
Governor

SHAN S. TSUTSUI
Lt. Governor



SCOTT E. ENRIGHT
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF SCOTT E. ENRIGHT
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEES ON HEALTH, AGRICULTURE, AND ENERGY
AND ENVIRONMENT**

Thursday, February 12, 2015
3:00 P.M.
CONFERENCE ROOM 414

**SENATE BILL NO. 797
RELATING TO THE HEALTH IMPACT OF PESTICIDES**

Chairpersons Green, Ruderman, and Gabbard, and Members of the Committees:

Thank you for the opportunity to present testimony on Senate Bill 797. The bill establishes notice, reporting, and use requirements for an entity or person that uses pesticides under certain circumstances. The Department has strong reservations.

Before a pesticide product is registered with the U.S. Environmental Protection Agency (EPA) for sale or use within the U.S., scientific risk assessments are conducted to evaluate the potential for harm to humans, wildlife, plants, fish including endangered species and non-target organisms, contamination of surface water or groundwater from leaching, runoff, and spray drift. The Department submits that the concern underlying SB 797's proposed buffer zone and wind speed restrictions is addressed by the scientific testing required by EPA's pesticide registration process and by the pesticide label restrictions that EPA imposes. In this bill, the determination of a wind speed and buffer zones are problematic in that it appears to be arbitrary and not scientifically based. Furthermore, the bill's requirement for prior public notification of outdoor pesticide applications of any pesticide, whether restricted use pesticides (RUPs) or not, exceed EPA label requirements and is unsupported by scientific data.

The requirement for disclosure of pertinent pesticide application by any entity or persons that annually uses or purchases in excess of a certain amount of restricted use pesticides (RUPs) would require the addition of personnel to the department to handle the influx of reporting. The cost to staff and maintain such a data bank would be a costly proposition with limited state funds.

The requirement for posting of warning signs prior to a spray application near "sensitive areas" is noted but many of the recommendations to conform to the federal Worker Protection Standard (WPS) are misconstrued.



In summary, the Department submits that language in SB 797 seems to target a segment of the farming community. The Department supports all agricultural activity that is being conducted in accordance with federal, state and county regulations.

Thank you for the opportunity to present testimony.

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: leeona.thompson@gmail.com
Subject: Submitted testimony for SB797 on Feb 12, 2015 15:00PM
Date: Thursday, February 12, 2015 11:45:23 AM

SB797

Submitted on: 2/12/2015

Testimony for AGL/HTH/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Leeona Thompson	Individual	Support	Yes

Comments: Legislators, This testimony comes from Kauai County where human health is risked and compromised daily with seed and chemical companies' standard operating procedures. I am proud to say that I am part of a community that literally slept overnight on my counties' sidewalk so I could testify against the practices of these companies. These companies literally bussed, paid, and fed their workers breakfast and lunch at times as early as 4AM until 6PM so people like myself in the community would not have the ability to testify to my County leaders. Even amidst these companies "divide and conquer" strategies, my community continued to fight and prevail. Maybe you heard of the red vs blue on kauai? Divide and Conquer. Throughout communities on the mainland it's nearly the same. Thankfully out of this hard fight against these companies we got the "Good Neighbor" program. This program is basically a joke in the community. These companies choose what they want to tell us they are spraying, they absolutely do NOT disclose what the people want to know. It's ironic to me that after all of the fight on Kauai that they want to "voluntarily"disclose, but not mandatorily disclose. I don't understand why? If what they're spraying is safe, why not disclose? Time and again we are told that disclosure can not happen because of company "trade secrets". This is wrong. When corporate profits are more important than human health, we need to reevaluate. The people have tried to get answers and help, and ALL the counties that have tried are now in litigation with these companies, who again try and call themselves Good Neighbors. We need your help. Badly. Please support this piece of legislation and help take some of the first baby steps in making Hawaii's future a safer and healthier place for our land, people, and keiki.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: hokuokekai50@msn.com
Subject: *Submitted testimony for SB797 on Feb 12, 2015 15:00PM*
Date: Wednesday, February 11, 2015 10:30:54 PM

SB797

Submitted on: 2/11/2015

Testimony for AGL/HTH/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Lacques	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: matt.htfa@gmail.com
Subject: Submitted testimony for SB797 on Feb 12, 2015 15:00PM
Date: Wednesday, February 11, 2015 7:49:43 PM

SB797

Submitted on: 2/11/2015

Testimony for AGL/HTH/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Matthew Ross	Individual	Oppose	No

Comments: I support our local farmers and their ability to use modern agricultural methods. Farming is a hard job and critical to our islands' ability to support ourselves. Please do not pass this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: psgegen@hotmail.com
Subject: Submitted testimony for SB797 on Feb 12, 2015 15:00PM
Date: Wednesday, February 11, 2015 3:01:45 PM
Attachments: [SB793&SB797.docx](#)

SB797

Submitted on: 2/11/2015

Testimony for AGL/HTH/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
pat gegen	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

From: mailinglist@capitol.hawaii.gov
To: [AGL Testimony](#)
Cc: davidsher@juno.com
Subject: Submitted testimony for SB797 on Feb 12, 2015 15:00PM
Date: Wednesday, February 11, 2015 10:04:37 PM

SB797

Submitted on: 2/11/2015

Testimony for AGL/HTH/ENE on Feb 12, 2015 15:00PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Sherry Pollack	Individual	Support	No

Comments: I strongly support SB797 that establishes notifying, reporting and use requirements for any entity or person that uses pesticides under certain circumstances. This is a common sense bill and very important to ensure our health and safety are protected. Please vote yes on this bill. Thank you for your consideration, Sherry Pollack, Ahuimanu

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov